IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: MBNA CORPORATION DERIVATIVE AND CLASS LITIGATION	)	C.A. No. 05-cv-327 GMS

O R D E R

WHEREAS, on November 21, 2005, the plaintiffs Lemon Bay Partners, LLP and Donald F. Benoit (collectively, the "Plaintiffs") filed the present shareholder derivative action against twenty defendants, including MBNA Corporation ("MBNA"), Bank of America Corporation ("BAC"), BAC President and Chief Executive Officer Kenneth D. Lewis ("Lewis"), several MBNA executives[1] (the "Insider Defendants"), and several of the members MBNA's Board of Directors[2] (the "Director Defendants");

WHEREAS, on January 20, 2006, MBNA, BAC, and the Insider Defendants filed a motion to dismiss the Plaintiffs' Complaint for failure to state a claim (D.I. 38);

WHEREAS, on January 20, 2006, the Director Defendants also filed a motion to dismiss for failure to state a claim (D.I. 42);

WHEREAS, on June 26, 2007, the court granted these motions, dismissed the Plaintiffs' claims, and directed the Clerk of Court to close the case (D.I. 75);

[1] The Insider Defendants include Bruce L. Hammonds ("Hammonds"), Kenneth A. Vecchione, Richard K. Struthers, John R. Cochran III, Lance L. Weaver, Charles C. Krulak, Michael G. Rhodes, and John W. Scheflen.

[2] The Director Defendants include Randolph D. Lerner, James H. Berick, Mary M. Boies, Benjamin R. Civiletti, William L. Jews, Stuart L. Markowitz, William B. Milstead, Thomas G. Murdough, and Laura S. Unger.

WHEREAS, on July 11, 2007, the Plaintiffs filed a Motion for Reconsideration, asking the court to reconsider its Order dismissing the case, for leave to amend the Complaint, or, in the alternative, for reargument pursuant to Local Rule 7.1.5 (D.I. 76);

WHEREAS, a motion for reconsideration should be granted only "sparingly"[1];

WHEREAS motions for reconsideration are granted in this district only if it appears that the court has patently misunderstood a party, made a decision outside the adversarial issues presented by the parties, or made an error not of reasoning, but of apprehension[2]; and

WHEREAS the court concludes that none of the three above-cited conditions exist in the present case;

IT IS HEREBY ORDERED that:

The Plaintiffs' Motion for Reconsideration or Reargument (D.I. 76) is DENIED.

March 26, 2008

/s/ Gregory M. Sleet
Chief, U.S. District Judge

[1] *Tristrata Tech. Inc. v. ICN Pharms., Inc.*, 313 F. Supp. 2d 405, 407 (D. Del. 2004); *Karr v. Castle*, 768 F. Supp. 1087, 1090 (D. Del. 1991).
[2] *See, e.g., Shering Corp. v. Amgen, Inc.*, 25 F. Supp. 2d 293, 295 (D. Del. 1998); *Brambles USA, Inc. v. Blocker*, 735 F. Supp. 1239, 1240 (D. Del. 1990) (internal citations omitted).